

**BY ECF**

April 27, 2022

VIA ECF

The Honorable John P. Cronan  
United States District Court Judge  
United States District Court  
Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Hartmann v. Google LLC et al.  
1:20-cv-05778-JPC (S.D.N.Y.)

Dear Judge Cronan:

The parties respectfully submit this joint letter pursuant to your order, dated March 8, 2022 (Dkt. 50.)

- (1) *A brief explanation of why jurisdiction and venue lie in this Court:*

Plaintiff contends that jurisdiction lies pursuant to 28 U.S.C 1331, 1332, and 1338 and that venue is appropriate pursuant to 28 U.S.C. 1391(b) and (c) and/or 1400(a). For purposes of this action only, Google LLC and its wholly owned subsidiary YouTube, LLC (collectively, "Google") do not contest jurisdiction or venue.

- (2) *A brief description of all outstanding requests to file motions:*

N/A

- (3) *A brief description of any discovery that has already taken place, and that which will be necessary for the parties to engage in meaningful settlement negotiations:*

To date, no discovery has taken place.

Plaintiff submits that an exchange of relevant streaming information by the Defendants and any licenses that Defendants purport to rely on in the relevant period would assist in settlement negotiations.

Google submits that discovery on the following matters will aid the parties in meaningful settlement negotiations: information relating to Plaintiff's claim of ownership of the copyrights in the asserted motion picture works and any assignments, licenses, or other agreements relating to those motion picture works; the rights granted to Google to the asserted motion picture works from third parties and Google's authorization to use or display the asserted motion picture works; the value of the asserted motion picture works; and the basis for, method of calculation, and amount of any alleged damages.

- (4) *A list of all prior settlement discussions, including the date, parties involved, and the approximate duration of such discussions, if any:*

N/A

- (5) *The estimated length of trial:*

2-3 days

- (6) *Any other information the parties believe may assist this Court in resolving the action:*

Defendants believe, and respectfully submit that, this case warrants a discovery schedule consistent with the [Proposed] Civil Case Management Plan submitted herewith, as Plaintiff continues to litigate a New York state court action relating to the same underlying motion pictures, and the state court action might bear on this federal court action, given the substantive overlap between the two matters.

Plaintiff does not agree that the State Court case bears on this discovery schedule but does not object to Defendants' proposed schedule.

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